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CHARLES ELMORE CROPLEY
CLERK

In the Supreme Court of the United States

OCTOBER TERM 1929.

No. 680

THE PITTSBURGH & WEST VIRGINIA RAILWAY COMPANY,
Appellant,

vs.

THE UNITED STATES OF AMERICA,
THE INTERSTATE COMMERCE COMMISSION,
THE WHEELING & LAKE ERIE RAILWAY COMPANY,
THE CLEVELAND UNION TERMINALS COMPANY,
THE CLEVELAND TERMINALS BUILDING COMPANY,
ERIE RAILROAD COMPANY,
THE CLEVELAND, CINCINNATI, CHICAGO & ST. LOUIS RAILWAY COMPANY,
Appellees.

MOTION TO ADVANCE.

C. F. TAPLIN,
H. H. HOPPE,
Solicitors for The Pittsburgh & West Virginia Railway Company.

TAPLIN & FILLIUS,
1520 Union Trust Building,
Cleveland, Ohio,
Of Counsel.

THE GATES LEGAL PUBLISHING CO., CLEVELAND, O.

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MOTION TO ADVANCE.

MAY IT PLEASE THE COURT:

Now come the parties hereto by their respective counsel and jointly move the Court to advance this cause for hearing, and respectfully show:

1. This is an action in which the appellant, The Pittsburgh & West Virginia Railway Company, is seeking to enjoin, annul, and set aside certificates of public convenience and necessity issued by the Interstate Commerce Commission in proceedings entitled "Operation of Passenger Terminal Facilities at Cleveland, Ohio, by Wheeling & Lake Erie Railway Company," Finance Docket 7298, and "Aban-

donment of Passenger Terminal Facilities at Cleveland, Ohio, by Wheeling & Lake Erie Railway Company," Finance Docket 7299. (154 I. C. C. 516, 534.)

2. The Act of Congress known as "An Act Making Appropriations to Supply Urgent Deficiencies in Appropriations for the Fiscal Year 1913 and for other causes," approved October 22, 1913, provides in part as follows:

> "The hearing upon such application for an interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction, in such case if such appeal be taken within thirty days after the order, in respect to which complaint is made, is granted or refused; and upon the final hearing of any suit brought to suspend or set aside, in whole or in part, any order of said commission the same requirement as to judges and the same procedure as to expedition and appeal shall apply. * * * Appeals to the Supreme Court shall have priority in hearing and determination over all other causes except criminal causes in that court." (October 22, 1913, Chapter 32, 38 Stat. 220; Title 28 U. S. C. Sections 47 and 47a.)

Respectfully submitted,

THE PITTSBURGH & WEST VIRGINIA RAILWAY COMPANY,

By C. F. TAPLIN,
H. H. HOPPE,
Its Solicitors.

THE UNITED STATES OF AMERICA,

By ELMER B. COLLINS,
Special Assistant to the Attorney General, Its Solicitor.

THE INTERSTATE COMMERCE COMMISSION,

By NELSON THOMAS,

Its Solicitor.

THE WHEELING & LAKE ERIE RAILWAY COMPANY,

By W. C. BOYLE,
CLAN CRAWFORD,
CHARLES F. CLOSE,
ANDREW P. MARTIN,

Its Solicitors.

THE CLEVELAND UNION TERMINALS COMPANY,

THE CLEVELAND TERMINALS BUILDING COMPANY,

By CHARLES W. STAGE,
W. H. BOYD,
HOMER H. MCKEEHAN,
L. C. WYKOFF,

Their Solicitors.

ERIE RAILROAD COMPANY,

By E. A. FOOTE,
T. H. BURGESS,

Its Solicitors.

THE CLEVELAND, CINCINNATI, CHICAGO & ST. LOUIS RAILWAY COMPANY,

By W. N. KING,
H. N. QUIGLEY,
C. C. HANDY,

Its Solicitors.

GILBERT BETTMAN,

Attorney General of the State of Ohio.